

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM KUDER,
Petitioner,

v.

SUPERINTENDENT SMITH, *et al.*,
Respondents.

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CIVIL ACTION NO. 18-CV-2632

ORDER

AND NOW this 9th day of October, 2019, upon careful and independent consideration of William Kuder's petition for writ of habeas corpus (Doc. No. 1), the Commonwealth's response in opposition (Doc. No. 6), Kuder's response thereto (Doc. No. 9), the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret (Doc. No. 14), and Petitioner's objections thereto (Doc. No. 17), it is **ORDERED** that:

1. The Petitioner's Objections (Doc. No. 17) are **OVERRULED**;
2. The Report and Recommendation of Magistrate Judge Richard A. Lloret (Doc. No. 14) is **APPROVED** and **ADOPTED**;
3. Kuder's Petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED** and **DISMISSED** with prejudice;
4. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[.]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find the Court's "assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *Unites States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012); and,

5. The Clerk of Court shall mark this file closed.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.